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## RECENT IMPORTANT DECISIONS.

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ADVERSE POSSESSION—TACKING SUCCESSIVE POSSESSIONS.—Plaintiff sued in ejectment and showed that she and her predecessors took possession of the piece of land in controversy thinking that it was included in the deeds, and this possession continued for over thirty years. *Held*, that such successive possessions could be tacked so as to acquire title by adverse possession. *Gildea v. Warren* (Mich. 1912) 138 N. W. 232.

In order that successive adverse possessions may be tacked it is essential that privity of estate should exist between the successive occupants. The rule announced in the principal case is based on the proposition that to effect such privity no paper evidence of the transfer of the various adverse possessions is necessary; it being sufficient that such transfer be made by parol, accompanied by a transfer of the possession in fact. *Vance v. Wood*, 22 Ore. 77, 29 Pac. 73; *McNeely v. Langan*, 22 Ohio St. 32; *Erck v. Church*, 87 Tenn. 575; *Rembert v. Edmondson*, 99 Tenn. 15, 63 Am. St. Rep. 819; *Wishart v. McNight*, 178 Mass. 356, 59 N. E. 1028; *Illinois, etc. Ry. Co. v. Hatter*, 207 Ill. 88, 69 N. E. 751; *Crawford v. Vicking Mfg. Co.*, 84 Kan. 203, 114 Pac. 240. In a few States it has been held that a claimant of land by adverse possession can not tack to the time of his possession that of a previous holder, unless the land held adversely is included in the boundaries in the deed from such holder. *Vicksburg, etc. Ry. Co. v. LeRosen*, 52 La. Ann. 192; *Messer v. Hibernia Savings Socy.* 149 Cal. 122; *Evans v. Welch*, 29 Colo. 355. In *Erck v. Church*, *supra*, it was held that there was no transfer of the possessory right to defendant Church from his predecessor Warner, and therefore no privity. It would appear, however, that if counsel for defendant in that case had asked to have submitted to the jury the question of fact whether the defendant's predecessor did or did not transfer his possessory right to defendant, the evidence in the transaction would have warranted the jury in finding that defendant's predecessor did transfer to him his possession of the strip of land in question. Such a request was overruled in the lower court in *Wishart v. McNight*, *supra*, and an exception taken to such ruling was sustained by the Massachusetts supreme court. See also the later Tennessee case of *Rembert v. Edmondson*, *supra*. The Illinois supreme court in a recent case—*Rich v. Naffziger*, 99 N. E. 341—held that the possession of a decedent in his lifetime and of his heirs after his death, of land adjoining land to which he had title, may be added to that of the purchaser of his lands under a master's deed in partition to make up the time necessary to the acquisition of title by adverse possession, the master's deed not including the disputed strip. But inasmuch as the law allows tacking of successive adverse possessions under such circumstances as appeared in the principal case only on the theory that the successive adverse possessors *intended* that the possessory interest should be transferred, the conclusion of the Illinois court may perhaps be open to question, for it can hardly be said that the master in chancery intended to transfer anything in which the estate had no interest except the inchoate right of ownership of the decedent as a wrongdoer.